HIGH COURT OF UTTARANCHAL AT- NAINITAL.

Writ Petition No. 328(S/S)2005

1. Malkhan Singh, Asstt. Teacher,
   in Purva Madhyamik Vidyalaya Kanda,
   Vikas Khand Betalghat, District Nainital.
2. Ramesh Singh, Assistant Teacher,
   in Purva Madhyamik Vidyalaya Kanda,
   Vikas Khand Betalghat, District Nainital.
3. Karan Singh, Asstt. Teacher,
   in Purva Madhyamik Vidyalaya Talli Seti,
   Vikas Khand Betalghat, District Nainital.

.....Petitioners.

Vs.

1. Joint Director of Education Nainital,
2. Basic Shiksha, Adhikari, Udham Singh Nagar,
3. Basic Shiksha Adhikari, Nainital.

.....Respondents.

Sri S.S. Yadav, leaned counsel for the petitioners,
Learned Standing Counsel for the respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard S.S. Yadav, leaned counsel for the petitioners and leaned Standing Counsel for the respondents.

By means of this petition, the petitioners, who are Assistant Teachers in Purva Madhyamik Vidyalaya Kanda and Talli Seti, Vikas Khand Betalghat, District Nainital, have prayed for a writ, order or direction in the nature of mandamus directing the respondents to relieve the petitioners for district Udham Singh Nagar by preparing list of option.

Contention of the petitioners is that the petitioners were appointed as Assistant Teachers in Basic School in district Nainital. In the year 1995 a new district, namely, Udham Singh Nagar was bifurcated from district Nainital. At the time of bifurcation, the petitioners were teaching in district Nainital, therefore, options were invited from the petitioners and they have opted for district Udham Singh Nagar. The respondents have prepared a list of the persons, who have opted for district Udham Singh Nagar but the names of the petitioner do not find place in that list. The petitioners have made representation

several times before the authority concerned to relieve them for the district they have opted. Till date, the respondents have not taken any decision on the representation and they are not being relieved to district Udham Singh Nagar.

In view of the aforesaid facts, I direct the Joint Director of Education (Basic) Kumaon Division, Nainital, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools of the Region, shall decide the representation moved by the petitioners, in accordance with law within a period of four weeks from the date of receipt of a certified copy of this order provided the petitioners have opted for district Udham Singh Nagar. The petitioners are directed to place the copy of this order alongwith their representation before the Joint Director of Education Basic Kumaon Region, Nainital/In-charge Regional Basic Schools within two weeks from today.

With these directions, the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

March 30, 2005:
NCM: